

18A:28-11.1 and 18A:28-12

12/7/87

LEGISLATIVE HISTORY CHECKLIST

NJSA: 18A:28-11.1 and 18A:28-12 (Teachers-- military service credit)

CHAPTER 217

Laws Of: 1985

Bill No: A3683

Sponsor(s): Kavanaugh and others

Date Introduced: May 13, 1985

Committee: Assembly: -----

Senate: -----

Amended during passage: No

Date of Passage: Assembly: June 24, 1985

Senate: June 27, 1985

Date of Approval: June 29, 1985

Following statements are attached if available:

Sponsor statement: Yes

Committee statement: Assembly No

Senate No

Fiscal Note: No

Veto Message: No

Message on Signing: ~~No~~ Yes

Following were printed:

Reports: No

Hearings: No

ASSEMBLY, No. 3683

STATE OF NEW JERSEY

INTRODUCED MAY 13, 1985

By Assemblymen KAVANAUGH, PENN, ZECKER, FELICE,
SCHUBER, ROCCO, SHUSTED, GIRGENTI, HAYTAIAN,
PELLECCHIA, GORMAN, DORIA, CUPROWSKI, VAINIERI,
RANIERI, LARocca, DEVERIN, LONG, PANKOK, FOY,
SCHWARTZ, LITTELL, COLBURN and MARTIN

AN ACT concerning credit for military service for teaching staff
members, supplementing chapter 28 of Title 18A of the New
Jersey Statutes and amending N. J. S. 18A:28-12.

1 BE IT ENACTED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. (New section) In computing length of service for seniority
2 purposes, every teaching staff member who, after July 1, 1940, has
3 served or hereafter shall serve, in the active military or naval
4 service of the United States or of this State, including active ser-
5 vice in the women's army corps, the women's reserve of the naval
6 reserve, or any similar organization authorized by the United States
7 to serve with the army or navy, in time of war or an emergency,
8 or for or during any period of training, or pursuant to or in con-
9 nection with the operation of any system of selective service, shall
10 be entitled to receive equivalent years of employment or seniority
11 credit for that service as if the member had been employed for the
12 same period of time in some publicly owned and operated college,
13 school or institution of learning in this or any other state or
14 territory of the United States, except that the period of that
15 service shall not be credited toward more than four years of em-
16 ployment or seniority credit. Any military or naval service shall
17 be credited towards this employment or seniority credit including

Matter printed in italics thus is new matter.

18 service that occurred prior to the member's employment as a teach-
19 ing staff member.

1 2. N. J. S. 18A :28-12 is amended to read as follows:

2 18A:28-12. If any teaching staff member shall be dismissed as
3 a result of such reduction, such person shall be and remain upon
4 a preferred eligible list in the order of seniority for reemployment
5 whenever a vacancy occurs in a position for which such person shall
6 be qualified and he shall be reemployed by the body causing dis-
7 missal, if and when such vacancy occurs and in determining
8 seniority, and in computing length of service for reemployment,
9 full recognition shall be given to previous years of service, and the
10 time of service by any such person in or with the military or naval
11 forces of the United States or of this State, subsequent to Sep-
12 tember 1, 1940 shall be credited to him as though he had been
13 regularly employed in such a position within the district during
14 the time of such military or naval service, *except that the period*
15 *of that service shall not be credited toward more than four years*
16 *of employment or seniority credit.*

1 3. This act shall take effect immediately.

STATEMENT

This bill would provide that in computing length of service for seniority purposes, teaching staff members are entitled to receive equivalent years of employment or seniority credit for military service except that the period of that service shall not be credited toward more than four years of employment or seniority credit.

Additionally, this bill would establish a four year maximum on the amount of military service time that is applied toward the seniority for teaching staff members under the current military service credit provided in N. J. S. 18A :28-12.

In *Corrado v. Board of Education of the Borough of Newfield, Gloucester County*, 1984 S. L. D. (Commissioner of Education 1984), the Commissioner of Education held that N. J. S. 18A :28-12 grants military service credit to teachers who were required to serve in the armed forces after September 1, 1940, provided they previously enjoyed a tenure status in the Board of Education's employ which was subsequently interrupted by being called into the armed forces. Therefore, under this interpretation of the law, the military service credit applies upon the resumption of employment by the board, after termination from military service, of tenured teaching staff members who were employed by the board

after September 1, 1940 and were subsequently called into the armed forces.

All teachers who are veterans and honored their military commitments had their lives disrupted and their careers delayed, if not interrupted, because of the time that they spent serving in the military. The purpose of this bill is to clarify the law to ensure that seniority entitlement is afforded to all veterans by recognizing all military service after September 1, 1940 even if it occurred prior to the time that the veteran was employed by the board. This bill would provide the same four years of credit for military service for seniority purposes as provided in the military service credit for salary purposes pursuant to N. J. S. 18A:29-11.



OFFICE OF THE GOVERNOR NEWS RELEASE

CN-001

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Release: TUESDAY, JULY 2, 1985

Governor Thomas H. Kean today signed legislation extending to October 30 the deadline for employers subject to the State's Worker and Community Right to Know Act to complete and submit detailed information on hazardous substances to appropriate State agencies.

The legislation also extends to October 30 the deadline for the employers to establish employee training programs in the handling of hazardous substances and to label such substances.

The legislation, S-3142, was sponsored by Senator Daniel Dalton, D-Camden.

Other bills signed by Kean are:

S-2537, sponsored by Senator Francis McManimon, D-Mercer, to appropriate \$200,000 for the construction of a new gymnasium at the Jamesburg Training School.

A-3683, sponsored by Assemblyman Walter Kavanaugh, R-Somerset, to permit up to four years of credit for military service when computing seniority credit for teachers.

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